



Setti D. Warren
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CITY OF NEWTON, MASSACHUSETTS

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CONSERVATION COMMISSION MEETING MINUTES City Hall, Room 209 December 27th, 2010

Meeting called to order at 7:40 p.m.

MEMBERS PRESENT: I. Wallach, (Chair), S. Lunin, D. Green, N. Richardson, J. Hepburn, D. Dickson, J. Sender (Alternate), R. Matthews (arrived at 7:45)

MEMBERS ABSENT:

MEMBERS OF THE PUBLIC: See attached sign-in sheet

Kendrick/Nahanton St. Bridge repair-NOI – DPW proposes repairs to the superstructure, the (above-water) footings, and proposes to “repair” rip-rap and remove vegetation in bordering land subject to flooding, bank, 100 ft buffer to bank and riverfront of the Charles.

Report: Project is described as “redevelopment” under 10.58(5), and a “limited project” under 310 CMR 10.53(3)(f). Please see general conditions (10.53(1)) under limited projects and, under “redevelopment at a minimum, the work shall improve the ability of the resource area to protect the interests under the Act. A limited project (to maintain public roadways, the proposed bridge repairs are extensive, work on footings is to occur just above the waterline, and certain details of erosion and sediment control, etc. will be supplied by the contractor when the work goes out to bid. Conditions need to try to cover contingencies. Recommended conditions include:

1. Applicant’s contractor shall designate a person to be in charge of erosion and sediment control (E&SC supervisor), and shall furnish the contact information for this person, including emergency contact information, to the Commission prior to the start of any work.
2. No haybales shall be used for erosion and sediment control in the riverfront area because of the common presence of weed seeds, but shall be replaced by alternatives appropriately scaled and installed (such as compost-filled tubes, or the like) according to manufacturers’ recommendations/specifications. All erosion and sediment control measures shall be inspected and approved by the Environmental Planner prior to the start of work for which the erosion and sediment control is installed.
3. Plan does not show any stockpiling in the riverfront area. Any stockpiling of soils and/or material in the riverfront area shall require prior approval by the Environmental Planner and erosion and sediment control measures shall be installed and approved prior to any stockpiling.
4. No hazardous materials shall be stored in the riverfront area.
5. Any spills of hazardous materials shall be reported to the conservation commission immediately, and no later than 24 hrs following the spill. Contact information will be provided (for Norm & Anne?).
6. A more-detailed plan for rip-rap and slope repairs shall be submitted prior to the start of work. Cutting of vegetation shall be kept to a minimum and no cutting of vegetation shall be conducted without prior approval of Environmental Planner.
7. Construction Plan has note “riprap outside the 2:1 slope may be relocated to fill in other areas lacking the required stone.” The commission urges the contractor to make maximum use of this strategy so as to not increase the fill in flood zone.

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8. The "eroded slope repair" shown on the construction plan appears to be mislabeled. The slope is currently well covered with vegetation and does not appear to be eroding. The slope may have eroded previously because it was not properly stabilized after the original work or the last repair, or this area is proposed for use to access footings or rip-rap under the bridge. In the latter case, the slope will need to be re-stabilized. A detailed plan should be submitted for this for approval by the Environmental Planner – the notation "loam and seed" is not sufficiently detailed. If gravel has been deposited, it must first be removed. Jute netting, anchored to the slope, is strongly recommended, since the area is so steep;
9. The designated erosion and sediment control supervisor shall hold a pre-construction site meeting with the project engineer and the Environmental Planner to discuss staging of work.
10. Specific details & drawings and/or "cut sheets" of both the "protective shield" and "containment system" shall be submitted to the Commission or Environmental Planner for review and approval prior to the start of any work on the deck.
11. Following installation of the containment field, a site visit with the respective engineers from BETA Group, City of Newton Engineering, and the chosen contractor present shall be held with the Environmental Planner to review the performance specifications of the containment field and answer any questions of the Planner.
12. An agent of the Commission, either the Environmental Planner or other designee, shall be on site for the first day of operation of the containment field to observe the operation of the structure under working conditions and observe that nothing is leaking.
13. No COC shall be issued until and unless the Commission is satisfied with the containment of all hazardous waste and/or other debris and construction materials. Any deficiencies in containment shall be rectified according to the direction of the Commission by City of Newton Engineering and/or its contractor.

Meeting: Phil Paradis, P.E., BETA Group, presented the project. He said the water is washing the fines out of the rip-rap, and that the voids need filling. He said they may place rip-rap by hand or by machine (the crane would be on the road surface and the bucket would lower material to the area where needed. The majority of the erosion is on the Newton side underneath the bridge where there is no vegetation. They will be repaving as needed. Mr. Paradis said he had reviewed the 13 conditions. Mr. Paradis asked what more was wanted in terms of a "restoration" plan for eroded side slopes (condition #6). Environmental Planner said that the plan should stipulate timing (seasonal), since grass will not grow in winter, and that jute or similar product may be needed for interim stabilization. Mr. Paradis agreed to work with Planner to develop plan, including interim plan, if necessary, for stabilization of side slopes. **Motion by D. Dickson to approve project with the 13 conditions proposed by Planner. Second by D. Green. Vote: All in favor. Motion passed.**

Crystal Lake Storm Water mitigation – Maria Rose

Report: From March meeting, 2010, you may remember that Maria Rose, the Environmental Engineer, came in during 2008 to ask for a Certificate of Compliance for installation of some drainage improvements. She was offered the opportunity to withdraw the request, else the Commission indicated they would deny the request, since not all the work was completed. Applicant given 2-yr extension (for expiring Order) and advised to come in with new plans within 6 months, and work should be completed and site re-stabilized within the 2-

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year period. The draft plan has not been reviewed by Frank Nichols or me, in detail, but proposal is to install leaching galleys on adjacent property, with re-paving of parking area and berm to direct storm water into collecting basins/drains (Proposed Plan for the Storm Water Improvements at the Crystal Lake Bath House, March 6th, 2007, revised March 21, 2007, DRAFT).

Meeting: Maria Rose, Environmental Engineer for Newton provided an update on the uncontrolled runoff and proposed mitigation of beach erosion. She described changes to the plan and the necessity for them, notably the presence of ledge in the area first proposed for the leaching galleys. The new plan will re-direct water from the lower parking lot to catch basins and infiltration galleys at the 20 Rogers St. site. Trench drains along the pavement on the side of the bathhouse will also direct water to the infiltration system at 20 Rogers St. Ms. Rose said in the current economic climate there is no certainty or timeline for a new bathhouse. The stormceptor needs to be cleaned out regularly, on the schedule of maintenance as on the original plan. There is a need to look at the curb area (near the MBTA track) to further evaluate whether it needs to be raised to contain more of the water in a 10-yr storm. Asked when the project would be completed, Ms. Rose said they wanted to do the work in spring, but if there is any chance it will interfere with the summer swim program, the work will be done in fall. The commission asked Maria to continue to communicate with the Planner.

34 Farwell St. NOI – Applicant's former filing was not completed with DEP, so he is re-sending application. Applicant will be asking to re-open hearing with new plan.

Report: At last meeting, CC closed hearing, Planner provided draft special conditions. See below. In the meantime, Mr. Morris has filed a new plan with DEP, proposing to move the garage closer to the river and add pavement in front of it, and has added mitigation areas on DCR land and Mr. Paolini's property in response to my draft conditions.

These are the draft conditions:

1. Applicant shall further relocate paving as far away from river as zoning requirements allow;
2. Applicant shall reduce the amount of paving by 10% **from that provided in plan presented at 10-21-2010 conservation meeting, titled, "topographic & Drain Plan 34 Farwell St. Newton, MA," prepared by Essex Engineering & Survey Inc., stamped by Frank Iebba, dated July 6, 2010, revised Oct. 21, 2010. After sending conditions to Mr. Morris, he says paving is being reduced by 15% (in current plan – revision dated December 6th)? But, my recommendation was to decrease the pavement further from the last plan presented (the Oct 21 plan). Applicant has not given us sq footage for existing conditions or any of interim proposals. Suggest we require table with sq footage of house (including all associated concrete decks, patios, etc., garage, and all pavement, existing and proposed. Also request calculations for commission thought my 10% was generous. If we can verify he is removing 15 % of paving, is that enough, or would you like to have more removed?? Applicant shall provide a calculation that can be verified by the city Engineering Department prior to start of work for the square footage reduction, and a revised (scaled) plan to show where the pavement will be removed;
3. All parking spaces shall be paved, so that run-off can be directed into infiltration galleys and improve groundwater re-charge (compacted ground under gravel does not allow much re-charge;
4. Applicant shall mark the rear corners of the property with permanent visible markers;
5. Applicant shall meet the minimum storm water requirements for new work in riverfront and shall install leaching galleys of appropriate size to infiltrate storm water run-off for all increase in impervious surface area in the riverfront exceeding the original house roof area. Calculations shall be approved by, and the installation of the galleys shall be observed by a representative of the Newton Engineering Department;
6. Applicant shall remove concrete steps and re-stabilize slope when work completed, provided that applicant is willing??

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On-going conditions:

7. Applicant shall establish a 10 ft wide buffer strip (120' x 10' = 1200 sf) of mitigation plantings, starting at the rear property line. Preparation for this planting shall include removal of approximately six (6) inches of existing soil/material and replacement with clean loam no higher than existing grade. A schematic planting plan shall be submitted to the Environmental Planner for review and approval prior to the start of work. Plan shall show number of individuals, stem diameter (or other size measure), and species of native trees and shrubs proposed for planting;

8. Providing that there is no appeal by DCR, applicant shall also establish a 10 ft wide (on average) buffer strip of mitigation plantings (1200 sf), starting at the rear property line of 34 Farwell, and extending onto DCR property. Site preparation and planting plan are required as in the above condition. Because the DCR property, and the relatively flat area is not of even width, the mitigation area may be considerably wider on the west side than on the east side of the property.

9. Providing no appeal by DCR, applicant shall remove concrete steps on DCR property (much of which is in flood zone and on bank), strictly by hand methods, and re-stabilize slope.

New: Recommend applicant develop snow removal plan to be submitted for approval and implementation.

Meeting: Terry Morris, attorney for applicant, requested to re-open the hearing. Planner said the commission could re-open the hearing, refuse to re-open and issue the Order (when a file number is available), or re-open and ask to continue. Mr. Morris said he had corresponded with DEP by email and has a file number and comments. Planner said no file number was posted, or comments, just prior to the meeting. The commission agreed to re-open the hearing, and asked the applicant to agree to continue to the January meeting (27th) to allow review of new data. Applicant's representative agreed.

Dog Park at Norumbega – Candace Havens has provided a summary of the proposal (in packet) to allow an off-leash dog park in Norumbega to be operated by the Parks and Recreation Department.

Report: There are a number of comment letters in your packets. My recommendation is that this activity is not compatible with maintenance of a conservation area, and will result in loss of habitat for wildlife and in further loss of diversity in both plants and animals in Norumbega. This is the only conservation area in Newton of which I am aware, that has field habitat adjacent to woods, providing ground-feeding areas for birds. Please see articles titled, "Dog walks 'prompting bird flight'" and "Repairing damage from unleashed dogs in Blackstone Park," in packet. If CC does wish to adopt this plan, I believe the commission can lease the land to the Parks & Rec Department to run it.

Meeting: The Chairman asked how many people wanted to speak, and seeing that a lot of people wanted to speak, asked people to limit their comments to two minutes. Candace Havens was in another meeting, and arrived shortly to present.

While waiting the commission took up the minutes from November and the first item (Marriott Hotel) under Certificates of Compliance.

Dog Park, continued,

C. Havens provided a PowerPoint presentation with narrative to manage Norumbega as an off-leash dog park. December of 2009 formed off-leash working group. From Jan. to April of 2010 surveyed dog owners and developed off-leash protocols. Reviewed sites and narrowed them down. Bd. Of Aldermen adopted off-leash Ordinance in August. Provisions included in proposal. Commissioner of Parks and Recreation can designate off-leash areas, except that in conservation area, it must be approved by conservation.

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Conservation can revoke permission at any time. Norumbega is 13-acre site on Charles River adjacent to Marriott. Veterinary office and condominiums on Woodbine at one entrance. C. Havens said this has been unofficial off-leash area since the 1970s. The area still has asphalt over some places. A number of people spoke against the proposal and a few spoke in favor. A number of residents said they did not like the present situation, with many dogs off-leash. I. Wallach said the commission has been ineffective in getting enforcement of their posted on-leash policy and the city leash ordinance. I. Wallach said he still has a philosophical issue about off-leash dogs in conservation areas and wanted more time to think about that. He asked the Environmental Planner to invite officer Torres to the next meeting of the commission to discuss enforcement of the leash law. General discussion will be continued to Feb. 24th meeting.

Certificates of Compliance

2345 Commonwealth Ave – Marriott Hotel – Request for COC – as-built plan and engineering statement received. Site visit scheduled.

Meeting: Planner said the project was ready for a Certificate of Compliance, with on-going conditions.

Motion by S. Lunin to issue a Certificate with on-going conditions. Vote: All in favor. Motion passed.

62 Brierfield-awaiting letter from engineer

Meeting: Planner reported that contractor has left excavator in flood zone at the end of Brierfield.

Commission declined to approve Certificate of Compliance until excavator has moved out of flood zone.

100 Boulder Rd: awaiting letter of request

Meeting: Planner reported not ready – haybales dumped in flood zone low area back of house and have not been removed.

Announcements & General Business:

November 18 meeting minutes for approval: Move by S. Lunin to accept minutes from November 18th meeting. Vote: J. Hepburn, D. Dickson, I. Wallach, and R. Matthews abstained; S. Lunin, and N. Richardson voted “aye”. Motion passed.

Special meeting min July 15, 2010 for approval (first meeting after new ethics law takes effect)- minutes in packet for Nov.

Meeting: Move to approve minutes. I. Wallach, D. Green, N. Richardson, D. Dickson, R. Matthews abstained. J. Hepburn, S. Lunin voted “aye”. Motion approved.

Announcements & New Business:

Election of Officers:

Chair – Ira Wallach

v-Chair- Susan Lunin

Secretary-Judy Hepburn

rep to Farm Commission-Judy Hepburn

rep to Nahanton Woods, Inc. – Judy Hepburn

CPA – Dan Green

Newton Comm. Golf Foundation-Norm Richardson

Kennard Park Trust ?? – last was Ira Wallach

Environmental Science Program-last was Susan Lunin

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Respectfully submitted,
Anne Phelps, Sr. Environmental Planner

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